

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

James Paul Aery,

Civil No. 21-cv-0111 (PJS/TNL)

Plaintiff,

v.

**ORDER**

Josh Arhart, et al.,

Defendants.

---

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated June 3, 2021 (ECF No. 11), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. This matter is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B).
2. The application to proceed *in forma pauperis* of plaintiff James Paul Aery (ECF No. 2) is **DENIED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: July 2, 2021

s/Patrick J. Schiltz

The Honorable Patrick J. Schiltz  
United States District Court Judge  
for the District of Minnesota